

**SHB 2339 - S AMD 497**

By Senators King and Delvin

NOT ADOPTED 4/24/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 "**Sec. 1.** RCW 79A.15.020 and 2007 c 241 s 27 are each amended to read  
5 as follows:

6 The habitat conservation account is established in the state  
7 treasury. The board shall administer the account in accordance with  
8 chapter 79A.25 RCW and this chapter, and shall hold it separate and  
9 apart from all other money, funds, and accounts of the board. By  
10 January 1, 2010, the state treasurer shall transfer from the habitat  
11 conservation account to the parks renewal and stewardship account  
12 created in RCW 79A.05.215, five million seven hundred fifty thousand  
13 dollars.

14  
15 **Sec. 2.** RCW 79A.15.120 and 2009 c 16 s 2 are each amended to read  
16 as follows:

17 (1) The riparian protection account is established in the state  
18 treasury. The board must administer the account in accordance with  
19 chapter 79A.25 RCW and this chapter, and hold it separate and apart  
20 from all other money, funds, and accounts of the board.

21 (2) Moneys appropriated for this chapter to the riparian  
22 protection account must be distributed for the acquisition or  
23 enhancement or restoration of riparian habitat. All enhancement or  
24 restoration projects, except those qualifying under subsection (9)(a)  
25 of this section, must include the acquisition of a real property  
26 interest in order to be eligible.

27

1 (3) State and local agencies and lead entities under chapter 77.85  
2 RCW may apply for acquisition and enhancement or restoration funds for  
3 riparian habitat projects under subsection (1) of this section. Other  
4 state agencies not defined in RCW 79A.15.010, such as the department  
5 of transportation and the department of corrections, may enter into  
6 interagency agreements with state agencies to apply in partnership for  
7 funds under this section.

8 (4) The board may adopt rules establishing acquisition policies  
9 and priorities for distributions from the riparian protection account.

10 (5) Except as provided in RCW 79A.15.030(7), moneys appropriated  
11 for this section may not be used by the board to fund staff positions  
12 or other overhead expenses, or by a state, regional, or local agency  
13 to fund operation or maintenance of areas acquired under this chapter.

14 (6) Moneys appropriated for this section may be used by grant  
15 recipients for costs incidental to restoration and acquisition,  
16 including, but not limited to, surveying expenses, fencing, and  
17 signing.

18 (7) The board may not approve a local project where the local  
19 agency share is less than the amount to be awarded from the riparian  
20 protection account. In-kind contributions, including contributions of  
21 a real property interest in land may be used to satisfy the local  
22 agency's share.

23 (8) State agencies receiving grants for acquisition of land under  
24 this section must pay an amount in lieu of real property taxes equal  
25 to the amount of tax that would be due if the land were taxable as  
26 open space land under chapter 84.34 RCW except taxes levied for any  
27 state purpose, plus an additional amount for control of noxious weeds  
28 equal to that which would be paid if such lands were privately owned.  
29 The county assessor and county legislative authority shall assist in  
30 determining the appropriate calculation of the amount of tax that  
31 would be due.

32 (9) In determining acquisition priorities with respect to the  
33 riparian protection account, the board must consider, at a minimum,  
34 the following criteria:

1 (a) Whether the project continues the conservation reserve  
2 enhancement program. Applications that extend the duration of leases  
3 of riparian areas that are currently enrolled in the conservation  
4 reserve enhancement program shall be eligible. Such applications are  
5 eligible for a conservation lease extension of at least twenty-five  
6 years of duration;

7 (b) Whether the projects are identified or recommended in a  
8 watershed planning process under chapter 247, Laws of 1998, salmon  
9 recovery planning under chapter 77.85 RCW, or other local plans, such  
10 as habitat conservation plans, and these must be highly considered in  
11 the process;

12 (c) Whether there is community support for the project;

13 (d) Whether the proposal includes an ongoing stewardship program  
14 that includes control of noxious weeds, detrimental invasive species,  
15 and that identifies the source of the funds from which the stewardship  
16 program will be funded;

17 (e) Whether there is an immediate threat to the site;

18 (f) Whether the quality of the habitat is improved or, for  
19 projects including restoration or enhancement, the potential for  
20 restoring quality habitat including linkage of the site to other high  
21 quality habitat;

22 (g) Whether the project is consistent with a local land use plan,  
23 or a regional or statewide recreational or resource plan. The  
24 projects that assist in the implementation of local shoreline master  
25 plans updated according to RCW 90.58.080 or local comprehensive plans  
26 updated according to RCW 36.70A.130 must be highly considered in the  
27 process;

28 (h) Whether the site has educational or scientific value; and

29 (i) Whether the site has passive recreational values for walking  
30 trails, wildlife viewing, or the observation of natural settings.

31 (10) Before November 1st of each even-numbered year, the board  
32 will recommend to the governor a prioritized list of projects to be  
33 funded under this section. The governor may remove projects from the  
34 list recommended by the board and will submit this amended list in the

1 capital budget request to the legislature. The list must include, but  
2 not be limited to, a description of each project and any particular  
3 match requirement.

4 (11) By January 1, 2010, the state treasurer shall transfer from the  
5 riparian protection account to the parks renewal and stewardship  
6 account created in RCW 79A.05.215, five million seven hundred fifty  
7 thousand dollars.

8  
9 **Sec. 3.** RCW 79A.15.130 and 2007 c 241 s 38 are each amended to  
10 read as follows:

11 (1) The farmlands preservation account is established in the state  
12 treasury. The board will administer the account in accordance with  
13 chapter 79A.25 RCW and this chapter, and hold it separate and apart  
14 from all other money, funds, and accounts of the board. Moneys  
15 appropriated for this chapter to the farmlands preservation account  
16 must be distributed for the acquisition and preservation of farmlands  
17 in order to maintain the opportunity for agricultural activity upon  
18 these lands.

19 (2)(a) Moneys appropriated for this chapter to the farmlands  
20 preservation account may be distributed for (i) the fee simple or less  
21 than fee simple acquisition of farmlands; (ii) the enhancement or  
22 restoration of ecological functions on those properties; or (iii)  
23 both. In order for a farmland preservation grant to provide for an  
24 environmental enhancement or restoration project, the project must  
25 include the acquisition of a real property interest.

26 (b) If a city or county acquires a property through this program  
27 in fee simple, the city or county shall endeavor to secure  
28 preservation of the property through placing a conservation easement,  
29 or other form of deed restriction, on the property which dedicates the  
30 land to agricultural use and retains one or more property rights in  
31 perpetuity. Once an easement or other form of deed restriction is  
32 placed on the property, the city or county shall seek to sell the  
33 property, at fair market value, to a person or persons who will  
34 maintain the property in agricultural production. Any moneys from the

1 sale of the property shall either be used to purchase interests in  
2 additional properties which meet the criteria in subsection (9) of  
3 this section, or to repay the grant from the state which was  
4 originally used to purchase the property.

5 (3) Cities and counties may apply for acquisition and enhancement  
6 or restoration funds for farmland preservation projects within their  
7 jurisdictions under subsection (1) of this section.

8 (4) The board may adopt rules establishing acquisition and  
9 enhancement or restoration policies and priorities for distributions  
10 from the farmlands preservation account.

11 (5) The acquisition of a property right in a project under this  
12 section by a county or city does not provide a right of access to the  
13 property by the public unless explicitly provided for in a  
14 conservation easement or other form of deed restriction.

15 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated  
16 for this section may not be used by the board to fund staff positions  
17 or other overhead expenses, or by a city or county to fund operation  
18 or maintenance of areas acquired under this chapter.

19 (7) Moneys appropriated for this section may be used by grant  
20 recipients for costs incidental to restoration and acquisition,  
21 including, but not limited to, surveying expenses, fencing, and  
22 signing.

23 (8) The board may not approve a local project where the local  
24 agency's share is less than the amount to be awarded from the  
25 farmlands preservation account. In-kind contributions, including  
26 contributions of a real property interest in land, may be used to  
27 satisfy the local agency's share.

28 (9) In determining the acquisition priorities, the board must  
29 consider, at a minimum, the following criteria:

30 (a) Community support for the project;

31 (b) A recommendation as part of a limiting factors or critical  
32 pathways analysis, a watershed plan or habitat conservation plan, or a  
33 coordinated regionwide prioritization effort;

34

1 (c) The likelihood of the conversion of the site to  
2 nonagricultural or more highly developed usage;

3 (d) Consistency with a local land use plan, or a regional or  
4 statewide recreational or resource plan. The projects that assist in  
5 the implementation of local shoreline master plans updated according  
6 to RCW 90.58.080 or local comprehensive plans updated according to RCW  
7 36.70A.130 must be highly considered in the process;

8 (e) Benefits to salmonids;

9 (f) Benefits to other fish and wildlife habitat;

10 (g) Integration with recovery efforts for endangered, threatened,  
11 or sensitive species;

12 (h) The viability of the site for continued agricultural  
13 production, including, but not limited to:

14 (i) Soil types;

15 (ii) On-site production and support facilities such as barns,  
16 irrigation systems, crop processing and storage facilities, wells,  
17 housing, livestock sheds, and other farming infrastructure;

18 (iii) Suitability for producing different types or varieties of  
19 crops;

20 (iv) Farm-to-market access;

21 (v) Water availability; and

22 (i) Other community values provided by the property when used as  
23 agricultural land, including, but not limited to:

24 (i) Viewshed;

25 (ii) Aquifer recharge;

26 (iii) Occasional or periodic collector for storm water runoff;

27 (iv) Agricultural sector job creation;

28 (v) Migratory bird habitat and forage area; and

29 (vi) Educational and curriculum potential.

30 (10) In allotting funds for environmental enhancement or  
31 restoration projects, the board will require the projects to meet the  
32 following criteria:

33 (a) Enhancement or restoration projects must further the  
34 ecological functions of the farmlands;

1 (b) The projects, such as fencing, bridging watercourses,  
2 replanting native vegetation, replacing culverts, clearing of  
3 waterways, etc., must be less than fifty percent of the acquisition  
4 cost of the project including any in-kind contribution by any party;

5 (c) The projects should be based on accepted methods of achieving  
6 beneficial enhancement or restoration results; and

7 (d) The projects should enhance the viability of the preserved  
8 farmland to provide agricultural production while conforming to any  
9 legal requirements for habitat protection.

10 (11) Before November 1st of each even-numbered year, the board  
11 will recommend to the governor a prioritized list of all projects to  
12 be funded under this section. The governor may remove projects from  
13 the list recommended by the board and must submit this amended list in  
14 the capital budget request to the legislature. The list must include,  
15 but not be limited to, a description of each project and any  
16 particular match requirement.

17 (12) By January 1, 2010, the state treasurer shall transfer from  
18 the farmlands preservation account to the parks renewal and  
19 stewardship account created in RCW 79A.05.215, five million seven  
20 hundred fifty thousand dollars.

21  
22 **Sec. 4.** RCW 79A.25.060 and 2007 c 241 s 43 are each amended to  
23 read as follows:

24 The outdoor recreation account is created in the state treasury.  
25 Moneys in the account are subject to legislative appropriation. The  
26 board shall administer the account in accordance with chapter 79A.15  
27 RCW and this chapter, and shall hold it separate and apart from all  
28 other money, funds, and accounts of the board.

29 Grants, gifts, or other financial assistance, proceeds received  
30 from public bodies as administrative cost contributions, and moneys  
31 made available to the state of Washington by the federal government  
32 for outdoor recreation, may be deposited into the account.

33 By January 1, 2010, the state treasurer shall transfer from the  
34 outdoor recreation account to the parks renewal and stewardship

1 account created in RCW 79A.05.215, five million seven hundred fifty  
2 thousand dollars.

3  
4 **Sec. 5.** RCW 79A.05.215 and 2007 c 340 s 2 are each amended to  
5 read as follows:

6 The state parks renewal and stewardship account is created in the  
7 state treasury. Except as otherwise provided in this chapter, all  
8 receipts from user fees, concessions, leases, donations collected  
9 under RCW 46.16.076, and other state park-based activities shall be  
10 deposited into the account. Expenditures from the account may be used  
11 for operating state parks, developing and renovating park facilities,  
12 undertaking deferred maintenance, enhancing park stewardship, and  
13 other state park purposes. Expenditures from the account may be made  
14 only after appropriation by the legislature. All transfers into the  
15 parks renewal and stewardship account from the riparian protection  
16 account, the habitat conservation account, the outdoor recreation  
17 account, and the farmlands preservation account must be used for the  
18 maintenance and operations of state parks."

19  
20 **SHB 2339 - S AMD 497**

21 By Senators King and Delvin

22 NOT ADOPTED 4/24/2009

23 On page 1, line 1 of the title, after "Relating to", strike the  
24 remainder of the title and insert "providing funding for the  
25 maintenance and operations of state parks; amending RCW 79A.15.020,  
26 79A.15.120, 79A.15.130, 79A.25.060, and 79A.05.215."

EFFECT: Transfers a total of \$23 million from the Washington  
Wildlife and Recreation Accounts into the Parks Renewal and  
Stewardship Account. Requires that the transferred funds be used  
for the maintenance and operations of state parks.

--- END ---